

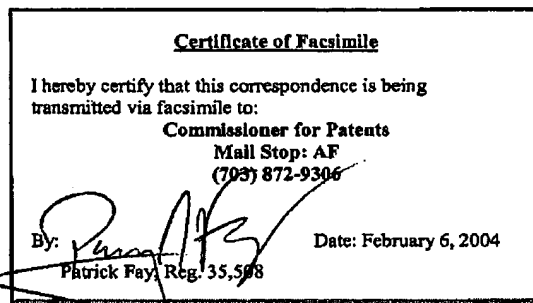
[10121/01601]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : James F. McGUCKIN
Serial No. : 09/697,306
Filed : October 27, 2000
Title : SURGICAL APPARATUS AND METHOD
Group Art Unit : 3761
Examiner : G. Dawson

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop: AF

**TRANSMITTAL**

S I R:

In response to the Office Action mailed November 7, 2003, transmitted herewith please find a Response Under Rule 116 for filing in the above-identified application.

No fees are believed to be required. However, if fees are required, please charge the Deposit Account of **Fay Kaplun & Marcin, LLP No. 50-1492**. A copy of Transmittal is included for that purpose.

Respectfully submitted,

Dated: February 6, 2004

By: *Patrick Fay*
Patrick Fay, Reg. No. 35,508

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
Tel: (212) 619-6000
Fax: (212) 208-6819